RUMSON PLANNING BOARD OCTOBER 4, 2021 MINUTES

The regularly scheduled virtual meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of: Chairman Lospinuso, Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Shanley, Mr. Ciambrone, Mr. Barham, Mrs. Ford, Mrs. Condon Absent: None

Also present, Michael B. Steib, Esq., Fred Andre', Thomas Neff representing T&M Associates, Kendra Lelie, the Planning Consultant and Eric Paone Hurd, Moderator.

The notice requirements of the Open Public Meetings Act were stated as being met.

Chairman Lospinuso asked for any comments on the September 13, 2021 Meeting Minutes. Mr. Barham made a Motion to approve the Minutes as submitted; Seconded by Mr. Clark. Councilman Casazza stated that he reviewed the 9/13/2021 meeting recording and is eligible to vote on the Minutes.

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Shanley, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Chairman Lospinuso

Nays: None

Abstain: Mrs. Condon

Mr. Steib submitted a Resolution approving the application of 2300 Neptune Realty, LLC/Brennan's Delicatessen for property located at 38 West River Road, Block 5, Lot 3.01 for the Board's consideration. After review and discussion; Mr. Barham made a motion to adopt the Resolution as submitted; Seconded by Councilman Kingsbery. Roll call vote:

Ayes: Mr. Clark, Councilman Kingsbery, Mr. Shanley, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Chairman Lospinuso

Nays: None

Abstain: Councilman Casazza, Mrs. Baret, Mrs. Condon

Mr. Steib announced that the continued application of Yellow Brook Property Company for property located at 91 Rumson Road be presented for the Board's consideration. Mr. Steib advised that the Board is in receipt of an objection on the application.

Ronald S. Gasiorowski, Esquire representing Jon Blatt addressed the Board. Mr. Gasiorowski stated that his position is the notice was not proper and the Board did not have jurisdiction to hear this application. Mr. Gasiorowski explained that Lot 34 adjacent to the proposed emergency ingress/egress driveway was not noticed for the application and he cited the Brower vs. Planning Board case on his client's behalf.

Craig M. Gianetti, Esquire representing the applicant addressed the Board. Mr. Gianetti explained that the driveway Mr. Gasiorowski is concerned with is for emergency access only and there are no improvements

being proposed on that portion of the property. The apron exists and will remain as it is. All property owners within 200 feet of the subject lot have received notice.

Mr. Gasiorowski stated that the plans that were submitted illustrate that a portion of Lot 34 will be utilized and that property owners within 200 feet of that lot should have received notice.

Mr. Gianetti stated that the plans recently submitted show a dedication on the applicant's property and will be there as it is today. There are no improvements being proposed on that piece of property.

Mr. Steib advised that there were several issues raised by the objector and the Board should exercise the greatest degree of caution possible on this application regarding Mr. Gasiorowki's arguments. There is no cure for defective notice and cited various cases regarding that fact. The application should be adjourned at this juncture and rescheduled.

Mr. Gianetti advised that the applicant will re-notice and submit updated plans.

Mr. Barham made a motion to conclude the hearing of this application pending renotice; Seconded by Mrs. Baret. Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Shanley, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon, Chairman Lospinuso

Nays: None

 $\mbox{Mr.}$ Steib advised the Board that Executive Session was necessary relating to pending litigation.

Executive Session was held.

There being no further business before the Board, the meeting was adjourned at approximately 8:25 p.m.

The next scheduled meeting will be held virtually on November 8, 2021 at 7:30 p.m.

Respectfully submitted, Michele MacPherson